

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO**

UNITED STATES OF AMERICA,

Plaintiff,

V.

JUAN ALFONSO NEGRON-LOPEZ,

Defendant.

CRIMINAL NO. 25-011 (ADC)

**MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**  
**RE: RULE 11(c)(1)(B) GUILTY PLEA HEARING**

## I. Procedural Background:

Defendant Juan Alfonso Negrón-López agreed to waive prosecution by Grand Jury Indictment and to be charged by way of Information. (Docket No. 1). He also agreed to plead guilty to Counts One and Two of said Information.

Count One charges that on or about September 5, 2024, in the District of Puerto Rico and within the jurisdiction of this Court, the defendant, JUAN ALFONSO NEGRON-LOPEZ, did knowingly and intentionally possess with intent to distribute a mixture or substance containing a detectable amount of cocaine, a Schedule II controlled substance, all in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(C). (Docket No. 2).

Count Two charges that on or about September 5, 2024, in the District of Puerto Rico and within the jurisdiction of this Court, the defendant, JUAN ALFONSO NEGRON-LOPEZ, knowing he had been convicted of a crime punishable by

1 imprisonment for a term exceeding one year, did knowingly possess firearms and  
2 ammunition, that is, One Sig Sauer pistol, model P229, serial number AM 18018 and one  
3 Glock pistol model 23, serial number FXU 461 and rounds of .40 caliber ammunition,  
4 said firearms and ammunition having been shipped and transported in interstate and  
5 foreign commerce, all in violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(8). (*Id.*)  
6

7 Defendant appeared before me, assisted by the court interpreter, on January 15,  
8 2025 (Docket No. 6), after the matter was referred to me by the Presiding District Judge  
9 to conduct the waiver of indictment and filing of information proceeding as well as the  
10 Rule 11 hearing. *See United States v. Woodard*, 387 F.3d 1329 (11th Cir. 2004)  
11 (magistrate judge had authority to conduct Rule 11 guilty plea hearing with consent of  
12 defendant). He was advised of the purpose of the hearing and placed under oath with  
13 instructions that his answers must be truthful lest he subject himself to possible charges  
14 of perjury or making a false statement.  
15

16 **II. Consent to Proceed Before a Magistrate Judge:**  
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18 Defendant was provided with a Waiver of Right to Trial by Jury form, which he  
19 signed.<sup>1</sup> He was advised of his right to hold all proceedings, including the plea hearing,  
20 before a district court judge. He received an explanation of the differences between the  
21 scope of jurisdiction and functions of a district judge and a magistrate judge. He was  
22 informed that if he elected to proceed before me, a magistrate judge, that I would conduct  
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26 <sup>1</sup> The form entitled Consent to Proceed Before a United States Magistrate Judge in a Felony Case for  
27 Pleading Guilty (Fed. R. Crim. P. 11) and Waiver of Jury Trial, signed and consented by both parties is  
made part of the record.  
28

1 the hearing and prepare a report and recommendation, subject to review and approval  
2 of the District Judge. The defendant then voluntarily consented to proceed before me.

3 **III. Proceedings Under Rule 11 of the Federal Rules of Criminal  
4 Procedure:**

5 Rule 11 of the Federal Rules of Criminal Procedure governs the acceptance of  
6 guilty pleas to federal criminal violations. Pursuant to Rule 11, in order for a plea of guilty  
7 to constitute a valid waiver of the defendant's right to trial, the guilty plea must be  
8 knowing and voluntary. *United States v. Hernandez-Wilson*, 186 F.3d 1, 5 (1st Cir. 1999).  
9 "Rule 11 was intended to ensure that a defendant who pleads guilty does so with an  
10 'understanding of the nature of the charge and consequences of his plea.'" *United States*  
11 *v. Cotal-Crespo*, 47 F.3d 1, 4 (1st Cir. 1995) (*quoting McCarthy v. United States*, 394 U.S.  
12 459, 467 (1969)). There are three core concerns in a Rule 11 proceeding: 1) absence of  
13 coercion; 2) understanding of the charges; and 3) knowledge of the consequences of the  
14 guilty plea. *Cotal-Crespo*, 47 F.3d at 4 (*citing United States v. Allard*, 926 F.2d 1237, 1244  
15 (1st Cir. 1991)).  
16

17 **A. Competence to Enter a Guilty Plea**

18 I questioned the defendant about his age, education, employment, history of any  
19 treatment for mental illness or addiction, use of any medication, drugs, or alcohol, and  
20 his understanding of the purpose of the hearing, all in order to ascertain his capacity to  
21 understand, answer and comprehend the plea colloquy. I confirmed that the defendant  
22 received the Information and fully discussed the charges with his attorney and was  
23 satisfied with the advice and representation he received. In addition, I further inquired  
24 whether defendant's counsel or counsel for the government had any doubt as to his  
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1 competency to plead, receiving answers from both that the defendant was competent to  
2 enter a plea. After considering the defendant's responses, and observing his demeanor,  
3 a finding was made that Mr. Negrón-López was competent to plead and fully aware of  
4 the purpose of the hearing.

5

6 **B. Maximum Penalties**

7 Upon questioning, the defendant expressed his understanding of the maximum  
8 penalties prescribed by statute for the offenses to which he was pleading guilty, namely:  
9 as to Count One, a term of imprisonment of twenty (20) years and a fine not to exceed  
10 one million dollars (\$1,000,000), and a supervised release term of at least three (3) years  
11 in addition to any term of incarceration for the offense as charged. And as to Count Two,  
12 a term of imprisonment of not more than fifteen (15) years and a fine not to exceed two  
13 hundred and fifty thousand dollars (\$250,000), and a supervised release term of not  
14 more than three (3) years.

15 The defendant also understood that a Special Monetary Assessment of \$100.00  
16 would be imposed, to be deposited in the Crime Victim Fund, pursuant to Title 18, United  
17 States Code, Section 3013(a). The court explained the nature of supervised release and  
18 the consequences of revocation. The defendant indicated that he understood the  
19 maximum penalties for Counts One and Two and the potential consequences of the guilty  
20 plea.

21

22 **C. Plea Agreement**

23 Mr. Negrón-López was shown his plea agreement and the plea agreement  
24 supplement, which are part of the record, and identified his initials and signatures. He  
25 confirmed that he had the opportunity to read and discuss the plea agreement with his  
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1 attorney before he signed it, that it represented the entirety of his understanding with  
2 the government, that he understood its terms, and that no one had made any other or  
3 different promises or assurances to induce him to plead guilty.  
4

5 The defendant was then admonished, pursuant to Fed. R. Crim. P. 11(c)(1)(B), and  
6 expressed his understanding that the terms of the plea agreement are merely  
7 recommendations to the court, and that the district judge who will preside over the  
8 sentencing hearing can reject the recommendation without permitting the defendant to  
9 withdraw his guilty plea, and impose a sentence that is more severe than the defendant  
10 might anticipate. The defendant was specifically informed that the court, after  
11 considering the applicable Sentencing Guidelines, could impose a sentence different  
12 from any estimate in the plea agreement or provided by his attorney, and that the court  
13 had the authority to impose a sentence that is more severe or less severe than the  
14 sentence called for by the Sentencing Guidelines. The defendant was advised, and  
15 understood, that the Sentencing Guidelines are no longer mandatory and are thus  
16 considered advisory, and that during sentencing the court will consider the sentencing  
17 criteria found at Title 18, United States Code, Section 3553(a).  
18

19 The defendant was advised that under some circumstances he or the government  
20 may have the right to appeal the sentence the court imposes, but that pursuant to the  
21 plea agreement the defendant will waive his right to appeal both his sentence and his  
22 conviction if the court adopts the plea agreement and sentences him according to its  
23 terms and conditions.  
24

1                   **D. Waiver of Constitutional Rights**

2                   Mr. Negrón-López was specifically advised that he has the right to enter and  
3 persist in a plea of not guilty, and if he does so persist, that he has the right to a speedy  
4 and public trial by jury, or trial before a judge sitting without a jury if the court and the  
5 government so agree; that at trial he would be presumed innocent and the government  
6 would have to prove his guilt beyond a reasonable doubt; that he would have the right to  
7 the assistance of counsel for his defense, and if he could not afford an attorney the court  
8 would appoint one to represent him throughout all stages of the proceedings; that at trial  
9 he would have the right to hear and cross examine the government's witnesses, the right  
10 to decline to testify unless he voluntarily elected to do so, and the right to the issuance of  
11 subpoenas or compulsory process to compel the attendance of witnesses to testify. He  
12 was further informed that if he decided not to testify or put on evidence at trial, the failure  
13 to do so could not be used against him, and that at trial the jury must return a unanimous  
14 verdict before he could be found guilty or not guilty.

15                   The defendant specifically acknowledged understanding these rights and  
16 understanding that by entering a plea of guilty there would be no trial and he will be  
17 waiving or giving up the rights I explained.

18                   The defendant was informed that parole has been abolished and that any sentence  
19 of imprisonment must be served, and that his guilty plea may result in loss of important  
20 civil rights, such as the right to vote, to hold public office, to serve on a jury, and to  
21 possess a firearm. The defendant confirmed that he understood these consequences of  
22 the guilty plea.

1                   **E. Factual Basis for the Guilty Plea**

2                   Defendant was read in open court Counts One and Two of the Information and  
3 was provided an explanation of the elements of the offense. The meaning of terms used  
4 in the indictment was explained. Further, upon questioning, the defendant admitted to  
5 facts constituting all of the elements of the offense charged in Counts One and Two and  
6 that the evidence the government had available to establish, in the event defendant  
7 elected to go to trial, the defendant's guilt beyond a reasonable doubt.

8                   **F. Voluntariness**

9                   The defendant indicated that he was not being forced to plead guilty but was  
10 entering such a plea freely and voluntarily because in fact he is guilty, and that no one  
11 had threatened him or offered a thing of value in exchange for his plea. He acknowledged  
12 that no one had made any different or other promises in exchange for his guilty plea,  
13 other than the recommendations set forth in the plea agreement. Throughout the hearing  
14 the defendant was able to consult with his attorney.

15                   **IV. Conclusion:**

16                   The defendant, by consent, appeared before me pursuant to Rule 11 of the Federal  
17 Rules of Criminal Procedure, and entered a plea of guilty as to Counts One and Two of  
18 the Information. After cautioning and examining the defendant under oath and in open  
19 court concerning each of the subject matters mentioned in Rule 11, I find that the  
20 defendant, Juan Alfonso Negrón-López is competent to enter this guilty plea, is aware of  
21 the nature of the offenses charged and the maximum statutory penalties that they carry,  
22 understands that the charge is supported by evidence and a basis in fact, has admitted to  
23 the elements of the offenses, and has done so in an intelligent and voluntary manner with  
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1 full knowledge of the consequences of his guilty plea. Therefore, I recommend that the  
2 court accept the guilty plea and that the defendant be adjudged guilty as to Counts One  
3 and Two of the Information.

4  
5 This report and recommendation is filed pursuant to 28 U.S.C. § 636(b)(1)(B) and  
6 Rule 72(d) of the Local Rules of this Court. Any objections to the same must be specific  
7 and must be filed with the Clerk of Court **within 14 days**. Failure to file timely and  
8 specific objections to the report and recommendation is a waiver of the right to appellate  
9 review. *See Thomas v. Arn*, 474 U.S. 140, 155 (1985); *Davet v. Maccorone*, 973 F.2d 22,  
10 30–31 (1st Cir. 1992); *Paterson-Leitch Co. v. Mass. Mun. Wholesale Elec. Co.*, 840 F.2d  
11 985 (1st Cir. 1988); *Borden v. Sec'y of Health & Human Servs.*, 836 F.2d 4, 6 (1st Cir.  
12 1987).

14 **IT IS SO RECOMMENDED**

15 In San Juan, Puerto Rico this 21st day of January, 2025.

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17 S/Héctor L. Ramos-Vega  
18 HÉCTOR L. RAMOS-VEGA  
19 UNITED STATES MAGISTRATE JUDGE  
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